THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 24314 of 1998

DATED: 10-10-2007

Between:

P.S.V.Rama Rao

…Petitioner

and

The Govt. of Andhra Pradesh, rep. by its Secretary, Irrigation and CAD (CAD IV), Department, Hyderabad and others

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 24314 of 1998

Oral order:

The petitioner retired from service as Research Assistant in the Directorate of A.P. Engineering Research Laboratory at Himayatsagar in May, 1998 after having put in 34 years of service since 1964. He suffered a heart attack in 1992 and was admitted to the Nizams Institute of Medical Sciences, Hyderabad. While in service, in March, 1997 he had another heart episode and became unconscious. His family admitted him to a nearby hospital known as Victor Chaug Heart Institute, Secunderabad. He underwent a by-pass surgery at the hospital which fact he intimated to his employer. The petitioner incurred an expenditure of Rs.90,000/- towards the surgical procedure. After discharge, he represented to the Government for reimbursement of the actual medical expenses of Rs.90,000/-. The Government sanctioned Rs.40,000/- in G.O.Rt.No.1576, dated 11-12-1997 after deducting 20% out of the Rs.50,000/-, he was eligible to in terms of G.O.Ms.No.175 Health, Medical and Family Welfare (K1) Department, dated 29-5-1997. Claiming that other civil servants and officers mentioned in para 4 were reimbursed the total medical expenses incurred by them in a private hospital while he was denied a similar treatment and claiming the further relief of reimbursement of entire amount of expenditure of Rs.90,000/- incurred by him, this writ petition is filed.

On behalf of the respondents, the 2nd respondent has filed a counter-affidavit and an additional counter-affidavit, the latter on 24-8-

2007. To the extent relevant and material, the counter-affidavit asserts that initially in G.O.Ms.No.38, Health Medical and Family Welfare (K1) Department, dated 23-1-1996, the Government had issued orders recognizing specified private hospitals within and outside the State for extending treatment to Government employees, retired employees and their dependants. In the G.O., 8 private hospitals within the State and 8 private outside the State were specified. Para 5 of the G.O. requires the referral of patients to the specified private hospitals from the Director, Nizams Institute of Medical Sciences, Hyderabad or
Sri Venkateshwara Institute of Medical Sciences, Tirupati and subject to the issuance of a certificate by the Directors of these institutes to the effect that these institutes are not able to cope with the work load and in the interest of the health of the patient, such a reference to the specified Private Hospitals is essential. Para 6 of the G.O. specified a ceiling of Rs.50,000/-, fixed by the Government in G.O.Ms.No.184, Health Medical and Family Welfare, dated 2-4-1992 towards reimbursement to Government employees for the treatment undergone in terms of this Government order.

In a subsequent order in G.O.Ms.No.175 referred to supra, relaxation of the orders issued in G.O.Ms.No.38 was made. The modifications were ordered in view of the fact that a number of cases were being referred to the Government for relaxation of the Andhra Pradesh Integrated Medical Attendance Rules, 1972 and in circumstances where treatment was undergone directly in private hospitals without orders of referral as required in G.O.Ms.No.38. By the order G.O.Ms.No.175, the Government enabled employees and their dependants to secure treatment in the private hospitals recognized in G.O.Ms.No.38, when the case is serious and requires immediate treatment and there is no sufficient time to obtain a referral from either Nizams Institute of Medical Sciences, Hyderabad or Sri Venkateshswara Institute of Medical Sciences, Tirupati. The competent authorities were permitted in the specified circumstances to

sanction reimbursement of medical expenses for treatment at the recognized private hospitals after satisfying themselves that the patient was admitted in a serious condition and there was no time to obtain a referral. The order is further to the effect that in all cases of treatment without a referral letter, a 20% cut must be imposed on the eligible amount after getting the bills scrutinized by the Director of Medical Education, Hyderabad. Para 5 of the G.O. enabled the departments of Secretariat and the Heads of departments to refer to the Government for relaxation of cases not covered under para 4.

In terms of the orders in G.O.Ms. 38 and G.O.Ms.No.175, it is clear that the reimbursement entitlement is only in respect of treatment at the recognized hospitals. The Victor Chaug Heart Institute, Secunderabad where the petitioner underwent treatment is not one of the hospitals notified in G.O.Ms.No.38.

The petitioner is therefore, not entitled to reimbursement either in terms of the orders in G.O.Ms.No.38 or the orders in G.O.Ms.No.175. However on a sympathetic view of the matter, the respondents have sanctioned him reimbursement in terms of the orders in G.O.Ms.Nos.38 and 175 as though he had undergone treatment at a recognized hospital. Even in respect of recognized private hospitals, G.O.Ms.No.175 specifies that out of the eligible amounts of reimbursement specified in G.O.Ms.No.38, a 20% cut shall be imposed, since the treatment was undergone without a letter of referral. Even though the petitioner had undergone treatment at an unrecognized private hospital, the respondents have given him the benefit under G.O.Ms.Nos.38 and 175 treating him as having undergone treatment at a recognized private hospital but without a letter of referral. The claim of the petitioner for 100 per cent reimbursement has no legal basis.

There are no merits. The writ petition is accordingly dismissed. There shall be no order as to costs.

GODA RAGHURAM, J

10-10-2007
GRR